

The Honorable Donetta W. Ambrose
United States District Court
Western District of Pennsylvania
Joseph F. Weis, Jr.
U.S. Courthouse
700 Grant Street
Pittsburgh, PA 15219

13 June 2019

To the Honorable Donetta W. Ambrose:

I am writing because I think some of my experiences may resonate with survivors, witnesses, and family members of those killed at the Tree of Life Congregation last October.

On September 11, 2001, my sister Laura Rockefeller died in the North Tower of the World Trade Center. It was a devastating loss for my parents, my husband, my children, and me. It did not, however, change my longstanding and firmly held belief that the death penalty is wrong. If 9/11 had made me change my opposition to the death penalty, I would have lost more than my sister; I would have lost the bond I feel with the cause of advancing justice and human rights throughout the world.

In 2005, after Zacarias Moussaoui pled guilty to involvement in the 9/11 terrorist attacks, I wrote to Judge Leonie Brinkema to make clear that as a family member of a victim of the attacks, I wanted to be heard in court. I was surprised, and extremely grateful, when the judge replied to me and let me know that she had forwarded my letter to the defense team. This was the beginning of a relationship with several of the defense attorneys and with members of the Defense-Victim Outreach [DVO] program that lasted many years after the sentencing of Mr. Moussaoui and was enormously important to me. Firstly, members of the defense shared with me (and other family members) in depth information about Mr. Moussaoui's background and upbringing, which helped me think about how al-Qaeda recruited members and operated. They also provided information about the domestic intelligence and security failures leading up to 9/11. And finally, they made it possible for me to be heard in the United States District Court for the Eastern District of Virginia.

The Military Commissions at Guantanamo that are currently preparing to hear the case of the five men accused of carrying out the 9/11 attacks is very far from a sentencing phase. Indeed the pre-trial hearings are now in the seventh year of what is proving to be an inordinately complex process of determining what information concerning the defendants' treatment while in detention, and which of their statements following their torture can be presented in court.

Through the seven years of pre-trial hearings, I have found it most helpful to have access to both the prosecution and the defense, to consider their different perspectives and analysis, and to learn from both sides. The process at Guantanamo is highly unusual, strikingly different from a federal murder trial and even for those of us who try diligently to stay on top of the literally thousands of court filings, we need to have the process explained to us by the attorneys. And since the prosecution and the defense differ significantly on many issues, it would be unduly limiting to hear only one side or the other.

I am grateful that all the attorneys in the Military Commissions do make themselves available to family members. I was fortunate to be a member of a well-known 9/11 organization that the defense was able to reach out to, just as I was fortunate that Judge Brinkema connected me with the defense attorneys in the Moussaoui case. But it would have been most helpful if the court/Military Commissions had explicitly and publicly stated that family members were free to be in touch with both the prosecution and the defense, and informed us how to do so.

It is important, I believe, that in the pursuit of truth and justice, no one should make assumptions about what family members and survivors want or need. In my experience, people's questions and needs can change dramatically over time, especially where a crime is as horrific and incomprehensible as the 9/11 attacks. Giving people easy and open access to attorneys on both sides of a case, and making it clear to all that contact with the defense will in no way compromise a case is the wise course to follow.

Thank you for your consideration.

Most sincerely,

A handwritten signature in black ink that reads "Terry Kay Rockefeller". The signature is written in a cursive, flowing style.

Terry Kay Rockefeller